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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/937,622 | Applicant(s) YOSHIOKA ET AL. | |
| | Examiner Julio R. Perez | Art Unit 2681 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/07/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 10/13/05 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that Murphy does not disclose a navigation system, which includes a separate display. However, the examiner respectfully disagrees. Furthermore, Murphy discloses the GPS receiver and the GPS processor and storage a being separate from the navigation display, (see Figure 3, ref. 320), as shown in Fig. 3, the display may be coupled externally to the former components via an RS-232 or USB connection (col. 8, lines 51-61).

Regarding claim 8, applicant argues that Timm does not disclose the navigation indicating the guiding of a route to a destination.

However, the examiner respectfully disagrees. The combination of Timm and Murphy discloses the means to provide guidance to a destination (See Murphy, col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 50-67; col. 7, lines 1-53; col. 9, lines 16-41, 60-65; col. 8, lines 51-61; Figs. 1B; Fig.3; Fig. 5).

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "which can be set by a user") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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and the GPS receiver (col. 2, lines 3-5; col. 4, lines 5-10, a position locator provides position information about the vehicle position, which is updated every one second); a storage unit for storing various types of data (col. 4, lines 10-13; col. 7, lines 33-39, the system provides means for storing several data); emergency communication conveying means for transmitting emergency information using a telephone number stored in advance in said storage unit when said emergency communication transmission button is pressed (col. 2, lines 5-11; col. 4, lines 56-63; col. 7, lines 33-34; a cellular telephone number may be dialed by the cellular transceiver); data output means for outputting data including advancing direction of the vehicle inputted from said gyro sensor and position information generated according to a signal inputted from said GPS receiver (col. 7, lines 40-44 and 49-52; col. 8, lines 11-16, a display, the message center, means for outputting data information is contained within the system); and a control unit for controlling the entire emergency communication system terminal unit (Fig. 1, ref. 20; col. 2, lines 6-11; col. 2, lines 59-60, the controller controls the communication means of the emergency communication system and the rest of the system).

Timm et al. do not explicitly disclose wherein a navigation system connected to external part of the emergency communication system terminal unit, wherein the navigation system includes display means and means for indicating present position of said vehicle on said display means on the basis of said data from said output means; and, thereby making it possible to indicate, by said navigation system, a position of the vehicle without having an additional gyro sensor and an additional GPS receiver within said navigation system per se.

Murphy teaches a method and an apparatus for providing navigation information including a location display, which displays the location of the current location of the vehicle (col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 60-65; col. 8, lines 51-61; Figs. 1B; Fig.3, the display system may be installed separate from the GPS and the other components).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Timm by implementing the system with a navigation system that includes display means in order to the route as well as the present position of the vehicle because it would provide Timm's system with the enhanced capability of displaying not only the position of the vehicle, but also en-route location traversal determination for determining whether the vehicle has passed through the en-route location by comparing position information indicative of the sensed present position of the vehicle and position information indicative of the en-route location, and display guidance data necessary for instructional guidance, and a central processor for executing route finding processing, display guidance processing necessary for route guidance, and control of the overall system.

Regarding claim 2, the combination of Timm and Murphy discloses an emergency communication system, wherein a position information, indicating position and status of the vehicle as generated according to a data from said gyro sensor and to a signal from said GPS receiver from the data necessary for performing map matching and possessed by the position information acquisition unit to said navigation system by said data output means based on trigger condition such as a request of the navigation

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system or a timer in the control unit (Timm, col. 7, lines 33-52; col. 8, lines 11-16, position information is provided with respect to the location of the vehicle and may be displayed by the display means, the message center).

Regarding claim 3, the combination of Timm and Murphy discloses an emergency communication system, wherein a speed pulse data indicating the present speed of the vehicle as possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (Timm, col. 4, lines 5-10; col. 7, lines 49-52; col. 8, lines 11-16, position of the vehicle location is validated every one second; the validation also includes the updating of the speed and direction of the vehicle).

Regarding claim 4, the combination of Timm and Murphy discloses an emergency communication system, wherein a reverse data indicating moving status of the vehicle such as forward moving or backward moving and possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (Timm, col. 4, lines 5-13; col. 7, lines 49-53; col. 8, lines 11-16, the direction and speed of the vehicle may be determined by Doppler effects, as received on the GPS satellites signals, as the vehicle is moving).

Regarding claim 5, the combination of Timm and Murphy discloses an emergency communication system, wherein a data of latitude and longitude as possessed by said position information acquisition unit is outputted to said navigation

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system by said data output means, based on a trigger condition such as a request of the navigation system or a timer in the control unit (Timm, col. 5, lines 22-26; col. 7, lines 33-44 and 50-52; col. 8, lines 11-16, position data output by the GPS, latitude and longitude, is provided; this information is updated every second).

Regarding claim 6, the combination of Timm and Murphy discloses an emergency communication system, wherein a data necessary for performing map matching and possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (Timm, col. 7, lines 49-53; col. 8, lines 11-16, position location information may be displayed on the display means; that is exact location of the vehicle may be visualized).

Regarding claim 7, Timm et al. teach a navigation system, connectable to an emergency communication system terminal unit in such a manner that signals can be transmitted or received, said emergency communication system terminal unit being installed on a vehicle and comprising a gyro sensor for generating information including advancing direction of the vehicle (col. 2, lines 1-5, speed and movement of the vehicle are provided by the system), a GPS antenna for receiving signal waves from satellites (col. 2, lines 53-63; Fig. 1, ref. 23, GPS antenna attached to the GPS receiver, and a GPS receiver for receiving a desired data from said received signal waves (col. 2, line 61, a GPS receiver is included), means for performing map matching based on the information including advancing direction as received from said gyro sensor and the data received by said GPS receiver from said GPS antenna (col. 7, lines 49-53; col. 8,

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lines 11-16, 63-67; col. 9, lines 1-2, position location information may be displayed on the display means; that is exact location of the vehicle may be visualized); (Fig. 1, ref. 20 and 27; col. 2, lines 6-11 and 59-60; col. 8, lines 11-16, the controller controls the communication means of the emergency communication system and more functions of the system).

Timm et al. do not explicitly disclose control means for indicating the information including position of the vehicle on display means based on the result of said map matching, thereby making it possible to indicate the position of the vehicle without having an additional gyro sensor, an additional GPS antenna and an additional GPS receiver within said navigation system per se.

Murphy teaches a method and an apparatus for providing navigation information including control means and a location display, which displays the location of the current location of the vehicle (col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 60-65; Figs. 1B; col. 8, lines 51-61; Figs. 1B; Fig.3, the display system may be installed separate from the GPS and the other components)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Timm by implementing the system with a navigation system that includes display means in order to the route as well as the present position of the vehicle because it would provide Timm's system with the enhanced capability of displaying not only the position of the vehicle, but also en-route location traversal determination for determining whether the vehicle has passed through the en-route location by comparing position information

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indicative of the sensed present position of the vehicle and position information indicative of the en-route location, and display guidance data necessary for instructional guidance; and a central processor for executing route finding processing, display guidance processing necessary for route guidance, and control of the overall system.

Regarding claim 8, Timm et al. teach an emergency communication system terminal unit, said terminal unit being installed on a vehicle and comprising a gyro sensor for generating information including advancing direction of the vehicle, (Fig. 1, refs. 20, 21, 22, and 27; col. 2, lines 1-11, 51-67; col. 4, lines 1-13; col. 8, lines 11-16, the system comprises a GPS receiver incorporating a system controller and message that communicates with a cellular transceiver, which in turn provide speed, direction, movement, and position of the vehicle. Thus, data relating to the current vehicle location detected via the GPS reception and the obtained heading and speed information as obtained but the sensor unit and the data relating to the vehicle location is displayed).

Timm et al. do not explicitly disclose wherein a navigation system connected to external part of the emergency communication system terminal unit, wherein the navigation system includes display means and means for indicating present position of said vehicle on said display means on the basis of said data from said output means; and, thereby making it possible to indicate, by said navigation system, a position of the vehicle without having an additional gyro sensor and an additional GPS receiver within said navigation system per se and the means for guiding a route to a destination.

Murphy teaches a method and an apparatus for providing navigation information including a location display, which displays the location of the current location of the

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vehicle and means for providing routing to a destination (col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 50-67; col. 7, lines 1-53; col. 9, lines 16-41, 60-65; col. 8, lines 51-61; Figs. 1B; Fig.3; Fig. 5, the display system may be installed separate from the GPS and the other components and routes may be shown on the display to guide the user to a destination).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Timm by implementing the system with a navigation system that includes display means in order to the route as well as the present position of the vehicle because it would provide Timm's system with the enhanced capability of displaying not only the position of the vehicle, but also en-route location traversal determination for determining whether the vehicle has passed through the en-route location by comparing position information indicative of the sensed present position of the vehicle and position information indicative of the en-route location, and display guidance data necessary for instructional guidance, and a central processor for executing route finding processing, display guidance processing necessary for route guidance, and control of the overall system.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julio Perez
12/20/05



TEMICA BEAMER
PRIMARY EXAMINER

12/23/05